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SH#2292862 FO#2292866

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 07-24-11	Bureau/Station/Facility: Transit Services Bureau	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 911-03861-6885-057	Date: 07-23-11 Time: 0158
City or Station: Los Angeles	Nature of Incident: See Attached Summary
Location: [redacted] Woodley Avenue	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled)
Other: ____________

Lighting (*circle only one*): **Darkness** (circled), Daylight, Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 1-2 Feet

Incident Type (*circle one or more*): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, **Struggle Involved** (circled), **Traffic Stop** (circled), Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: ____________

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
1	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]		EM **PM** (circled) Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Burse	Michael		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Trejo	Jane	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Young	Suzan	

PSTD Use Only
SH # ____________

Officer Involved Shooting

URN: 911-03861-6885-057

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
07-23-11	0450	10-17-11	

Employee #	Last Name	First Name	M.I
[redacted]	Vaughan	Stephen	
[redacted]	Flores	Carlos	
[redacted]	Strong	Eric	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	BR	9m	N	N	NN	NN
E#1	S#1	FH	BR	9m	Y	Y	NN	NN

Officer Involved Shooting
Involved Employee Information

URN: 911-03861-6885-057

Involved Employee

E 1

Employee # [redacted]	Last Name Duran		First Name Anthony	M.I.
Sex: M Race: Hispanic	Rank Deputy	Unit Assignment: TSB	Work Assignment (Unit #, Module, etc.): 692H	
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:	
Age: [redacted] Height: 600 Weight: 180				
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9m	# Shots 1	Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I.

E ___

Employee #	Last Name		First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):	
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:	
Age: Height: Weight:				
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	M.I.

E ___

Employee #	Last Name		First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):	
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:	
Age: Height: Weight:				
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 911-03861-6885-057

Suspect Information

S 1 Last Name: Terpstra		First Name: Jason	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: White	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 27 D.O.B. 02-10-84	Height: 504 Weight: 190	FBI #: [redacted]	CII #: [redacted]
Booking # 2819017	Primary Charge: 245(c) PC	Secondary Charge: 69PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☒	Substance Used: Marijuana/Methamphetamine
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Dodge		Model: Concord	Year: 1997

S__ Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__ Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__ Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: NON-HIT
SH# 2292862
SIGNIFICANT FORCE INCIDENT EVALUATION
FO# 2292866
URN 011-00013-8339-056

DATE / TIME / LOCATIONS

Saturday, July 23, 2011
0150 hours
Woodley Avenue, North of Nordhoff Street, North Hills

On July 23, 2011, at approximately 0150 hours, Deputy Anthony Duran, Employee #[redacted], working Unit 692H, and Deputy [redacted] Employee #[redacted], working Unit 670H, (assigned to Transit Services Bureau, TSB) were traveling westbound on Nordhoff Street in North Hills. As they approached Woodley Avenue, they stopped for a red light. Deputy [redacted] attention was drawn to a red four door vehicle which had been traveling east on Nordhoff, and had also stopped for the red light at Woodley Avenue, in the left turn lane.

Deputy [redacted] observed that the vehicle did not have a front license plate affixed to it, and did not have the turn signal on. When the traffic signal turned green, Deputy [redacted] continued west, bypassed the red vehicle and conducted a U-turn. Deputy Duran followed behind Deputy [redacted] The driver, and sole occupant of the red vehicle, later identified as Suspect Jason Terpstra, turned left, unto northbound Woodley Avenue. Deputies [redacted] and Duran followed behind.

Upon turning onto Woodley Avenue, Deputy [redacted] initiated a traffic stop of Suspect Terpstra's vehicle. Suspect Terpstra came to a stop in front of the residence located at [redacted] Woodley Avenue. Deputy [redacted] approached the driver's side of the vehicle, as Deputy Duran approached the passenger side. Deputy [redacted] then contacted Suspect Terpstra.

> **IAB Note:** Area and Neighborhood Maps of the location are included in this case book. See **Exhibit E**.

Deputy [redacted] directed Suspect Terpstra to turn off his vehicle, and he complied. He then asked Suspect Terpstra if the vehicle belonged to him, and if there was anything illegal inside the vehicle. Suspect Terpstra advised that the vehicle did belong to him, but did not answer Deputy [redacted] question about having anything illegal. Deputy [redacted] again asked the suspect, but the suspect would not answer him. Deputy Duran then opened the suspect's passenger side door, and positioned himself at the doorframe.

Deputy [redacted] asked the suspect if he possessed a valid driver's license, but the suspect again would not answer him. Deputy [redacted] opened the driver's side door, with the intent of directing the suspect to exit the vehicle. As Deputy [redacted] positioned himself at the doorframe, the suspect turned the ignition switch, and turned the car back on. The suspect then shifted the vehicle into "drive," reached over and took hold of Deputy Duran's left wrist, and accelerated the vehicle forward. Fearing that he was going to be dragged by the vehicle, Deputy Duran jumped into the passenger seat, landing on his knees, facing the suspect.

Suspect Terpstra accelerated the vehicle, and traveled north on Woodley Avenue. Deputy [redacted] initiated emergency radio traffic, ran back to his vehicle, and followed the suspect. Deputy Duran, having already drawn his firearm from the holster, pointed it at the suspect and ordered him to stop the vehicle. Suspect Terpstra immediately took hold of Deputy Duran's firearm, with both hands, while continuously pressing the vehicle's gas pedal. Suspect Terpstra then began pulling on Deputy Duran's firearm, in an apparent attempt to take it away from Deputy Duran.

Fearing the suspect was going to disarm him, Deputy Duran fired one round at Suspect Terpstra. However, due to Suspect Terpstra's struggle for the weapon, the fired shot went through the roof of the suspect's vehicle. Suspect Terpstra continued pressing the gas pedal, causing the vehicle to travel north in an erratic fashion. The suspect also continued gripping Deputy Duran's firearm with both hands. Deputy Duran attempted to fire his weapon several more times, but the weapon would not fire. Deputy Duran then began striking the suspect's face with the muzzle of the gun, but the suspect still would not let go of the firearm.

IAB Note: It was later discovered that Deputy Duran's firearm contained one empty casing.

As the struggle continued inside the vehicle, the vehicle continued erratically north on Woodley Avenue. The suspect's vehicle then struck a white pickup truck which was parked on the east curb, in front of [redacted] The vehicle continued north and struck a second vehicle in front of [redacted] where it came to a stop.

IAB Note: Photographs of the crime scene are included in this case book. See **Exhibits F and I**. A sketch of the scene, containing an evidence legend, is also included. See **Exhibit G**. The distance between the location of the traffic stop, to where the suspect's vehicle collided with the second parked vehicle and came to a stop, is approximately 804 feet. See **Exhibit F, Page 27**.

As the suspect's vehicle came to a stop, Deputy Duran was thrown forward, onto the floorboard of the passenger side. Suspect Terpstra kept his grip on the firearm, and the

struggle continued. Deputy [redacted] having followed the suspect's vehicle, parked his patrol vehicle behind the suspect's vehicle, offsetting it slightly to the west. Deputy [redacted] approached the suspect's vehicle and opened the driver's side door. Deputy [redacted] sprayed the suspect with Oleoresin Capsicum, but the suspect continued his assault. Deputy [redacted] began striking the suspect's face with his fists, and the suspect began swinging his fists at Deputy [redacted]

Deputy [redacted] retrieved his expandable baton and struck the suspect several times. The force caused the suspect to cease his assault, and provided Deputy [redacted] an opportunity to pull the suspect out of the vehicle. Deputy [redacted] pushed the suspect down to the ground on his stomach. He then attempted to handcuff the suspect, but the suspect rolled himself onto his back and began swinging his fists. Deputy [redacted] struck the suspect's face several more times with his fists. He then sprayed the suspect a second time with Oleoresin Capsicum. With the aid of Deputy Duran, who had exited the suspect's vehicle, the deputies were able to handcuff the suspect.

Officers from the Los Angeles Police Department (LAPD) then arrived, as well as paramedics. Suspect Terpstra was transported to Northridge Hospital Medical Center in Northridge, where he was treated for his injuries. The suspect was given an "Okay to book," and booked at the East Los Angeles Sheriff's Station.

IAB Note: During the incident, Deputy [redacted] and Deputy Duran requested, via radio, that officers from LAPD respond. They did this due to the fact that they were in LAPD's jurisdiction, and assistance from sheriff's units would have an extended time to arrive. Suspect Terpstra was booked for an assault on Deputy Sheriffs. An Incident Report was initiated as well as Supplemental Reports by assisting field deputies and investigating detectives. Copies of the reports are included in this case book. See **Exhibits A, B, and C**.

Internal Affairs Bureau Lieutenant Steven Vaughan was notified, and along with Sergeants Carlos Flores and Eric Strong, responded to the incident location to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

IAB SHOOTING / FORCE TEAM

Lieutenant Steven Vaughan, Sergeant Carlos Flores, and Sergeant Eric Strong.

INVOLVED PERSONNEL

Duran, Anthony, Deputy #[redacted] Transit Services Bureau	MH/[redacted] 6-00 180 Right Handed
Date of Employment:	01-24-2007
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	None
Prior Founded Force Incidents:	In February of 2009, served five days suspension for failing to immediately report a use of force

[redacted] Deputy #[redacted] Transit Services Bureau	MH/[redacted] 5-11 180 Right Handed
Date of Employment:	12-06-2006
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]

SUSPECT

Terpstra, Jason Michael MW/27 DOB: 02-10-1984 5-04 180

The Consolidated Criminal History System reveals that Suspect Terpstra has been [redacted]

IAB Note: Suspect Terpstra's Criminal History Report is also included in this case book. See **Exhibit D**.

EMPLOYEE WITNESSES

None

NON-EMPLOYEE WITNESSES

[redacted] MH/41, [redacted]

[redacted] FO/41, [redacted]

[redacted] MH/67, [redacted]

[redacted] FH/67, [redacted]

INJURIES

SUSPECT

Suspect Terpstra sustained facial contusions, facial lacerations, nasal bone fracture, blunt abdominal trauma, a left elbow contusion, a left shoulder contusion, contusions to his right rear shoulder area, contusions to his right triceps area, and abrasions. He was transported to and treated at the Northridge Hospital Medical Center, in Northridge.

IAB Note: Suspect Terpstra was treated by Doctor Andrea Gonzales, who was interviewed by Transit Services Bureau Sergeant Jaroslaw Robocinski #[redacted] Sergeant Robocinski documented his contact with the doctor on a Supplemental Report. See **Exhibit C, Page 12**. Doctor Gonzales stated that the suspect's injuries were consistent with having been struck with fists, and a hard object, like a muzzle of a firearm. She also stated that his injuries were consistent with having been struck with a baton. Photographs of Suspect Terpstra's injuries were taken and are included in this case book. See **Exhibit H**. Toxicology screening tests indicate that Suspect Terpstra had Amphetamines and Marijuana in his system at the time of the incident. See **Exhibit H**.

DEPUTY PERSONNEL:

Deputy Duran said that his body was "sore" after the incident, and he sustained some scratches on his left arm. However, he was not treated for any injuries.

Deputy [redacted] sustained lacerations to the knuckle area of his right hand. He also sustained pain and swelling to his right wrist. He was transported to and treated at the Northridge Hospital Medical Center in Northridge.

IAB Note: Photographs of the deputies' injuries are included in this case book. See **Exhibits H and I**.

PHYSICAL EVIDENCE

Several items of evidence were collected by the staff from Scientific Services Bureau. The suspect's vehicle was also impounded as evidence.

IAB Note: A sketch of the crime scene, and evidence legend, is included in this case book. See **Exhibit G**. Photographs of the scene are also included. See **Exhibit F and I**.

DISTANCE

Approximately one to two feet.

INVESTIGATOR OBSERVATIONS

The incident began on Woodley Avenue, just north of Nordhoff Street. The area is a residential area with mostly single family homes. Woodley Avenue is a north south street with raised curbs on both sides, and sidewalks. Woodley Avenue has two lanes for south and north bound traffic. The street also provides parking on both the east and west side. Several vehicles were parked on the street at the time of the incident.

Investigators observed a black and white Sheriff's Department vehicle, Number SD6553, in front of [redacted] Woodley Avenue, parked on the street, facing north. They also observed a black and white Sheriff's Department vehicle, Number SD6558, parked in front of [redacted], facing north. Investigators observed a red Chrysler and yellow Nissan truck also parked in front of [redacted], facing north. There was damage to both vehicles, and it appeared that the red Chrysler had struck the yellow Nissan. The red Chrysler also had extensive damage on the right side. The red Chrysler was identified as Suspect Terpstra's vehicle. Investigators observed that the suspect's vehicle had a bullet hole on the interior roof which went through the roof's exterior. Investigators saw what appeared to be a firearm between the driver's seat and the center console.

IAB Note: What appeared to be a firearm was later identified as a pellet gun. See **Exhibit F, Pages 23, 24**.

Investigators observed a white Ford pickup truck parked in front of [redacted] Avenue, facing north. The vehicle was parked approximately 75 feet behind the suspect's vehicle. The vehicle had damage on the left side, and the right front tire was up on the raised curb.

IAB Note: Area and Neighborhood Maps are included in this report. See **Exhibit E**. Scene photographs are also included. See **Exhibits F and I**. The distance between where Suspect Terpstra was first stopped by the deputies, to where his vehicle came to rest, is approximately 804 feet.

REVIEW OF RADIO TRANSMISSIONS

The Internal Affairs Investigator reviewed the emergent radio traffic initiated by both Deputy Duran and Deputy [redacted]

In the recording, Deputy [redacted] is heard requesting emergency clearance on the radio frequency (10-33). Deputy [redacted] advises that an assault ("245") on a deputy has occurred on Woodley Avenue, north of Nordhoff, in the city of North Hills. Deputy [redacted] requests that the Sheriff's Communications Center (SCC) Dispatcher notify the Los Angeles Police Department ("LAPD"). The SCC dispatcher then begins asking if any TSB units can respond in less than two minutes.

The SCC Dispatcher is then heard requesting that the unit identify themselves. Deputy Duran is then heard identifying his unit (692H), and erroneously advises that they are at [redacted] He requests that LAPD respond "Code Three." Shouting can be heard in the background.

Approximately two minutes after the initial emergency request, the SCC Dispatcher asks Deputy Duran if he is involved in a fight, at which time he affirms that he is. The SCC Dispatcher repeats the erroneous address, and Deputy Duran advises that they are on Woodley Avenue, north of Nordhoff Street.

Approximately two and a half minutes after the initial emergency request, Deputy [redacted] advises that an assault on a deputy has occurred, and that LAPD and paramedics should respond. He additionally advises that they are detaining the suspect, but paramedics should "stage" until a definite "Code four" is advised. Deputy [redacted] also broadcasts an erroneous address, stating that they are at [redacted]. Deputy [redacted] sounds "winded" as he broadcasts the information. An Aero Unit requests that they repeat their location, at which point Deputy Duran broadcasts the correct location, and phonetically spells "Woodley."

Deputy Duran advises that the situation is "Code four," but asks that assisting units still respond "Code three." A short time later he advises that the suspect is still resisting, and requests an estimated time of arrival for LAPD units. Approximately one minute later Deputy Duran advises that LAPD units have arrived. He then advises that the situation is "Code four."

> **IAB Note:** A Compact Disc, containing the recording of the emergent radio traffic is included in this report. See **Exhibit J.**

LIGHTING AND WEATHER CONDITIONS

It was dark and clear when the incident occurred (0150 hours). There was ambient lighting from the street lights on Woodley Avenue.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Duran:

Service Weapon Type:	Beretta 9mm Semi-Automatic
Rounds Fired:	One
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

IAB Note: During the incident deputy Duran fired one round. After firing the round, his firearm jammed, and became inoperable. He then utilized his firearm as an impact weapon. After the incident had concluded, Deputy Duran examined his weapon along with Deputy Manuel Plasencia #[redacted] Both deputies counted 16 rounds in the firearm (Magazine and chamber). They also observed that one of the rounds was an empty bullet casing. Deputy Plasencia documented his actions on a Supplemental Report. See **Exhibit C, Page 13**. The firearm was retrieved by personnel from the Scientific Services Bureau, and a test fire was subsequently conducted. The firearm was found to be operable. A copy of the Test Fire Report is included in this case book. Deputy Duran's weapon's training records and qualification records are also included. See **Miscellaneous Documents**

Both **Deputy Duran** and **Deputy** [redacted] utilized personal weapons: fists. Deputy [redacted] also utilized an expendable baton, and Oleoresin Capsicum (OC).

WEAPONS USED BY SUSPECT

During the incident, the suspect took hold of Deputy Duran's firearm, in an apparent attempt to disarm him.

PROPERTY DAMAGE

Suspect Terpstra's vehicle, a red 1997 Chrysler, Arizona License #[redacted] sustained extensive damage to the right side and front. There was also a bullet hole on the interior roof that went through the exterior. A white 2001 Ford Ranger, License #[redacted] parked in front of [redacted] sustained damage to the left side. The vehicle is registered to a [redacted] residing at [redacted]

A yellow 2002 Nissan Frontier, License #[redacted] parked in front of [redacted] Avenue, sustained damage to the rear bumper and tailgate. The vehicle's registered owner is [redacted] who resides in [redacted].

IAB Note: Photographs of the above listed vehicles, and the damage they sustained, are included in this case book. See **Exhibits F and I**. Due to the fact that the damage was caused by the suspect's vehicle colliding with the parked vehicles, a Traffic Collision Report was initiated by an officer from the Los Angeles Police Department. A copy of that report is included in this case book. See **Exhibit C, Page 49**.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators: Detectives Kyle Ynclan #[redacted] and Michael Shaw #[redacted] Transit Services Bureau

Charges: Assault with a deadly weapon on a Peace Officer 245(a)(1) PC, Resisting and Obstructing a Peace Officer With Attempted Firearm Removal 148(D) PC, Resisting Arrest by Force or Violence 69 PC

IAB Note: A copy of the felony complaint is included in this case book. See **Exhibit C, Page 43**.

INVOLVED EMPLOYEE STATEMENTS

Involved Deputy Anthony Duran was interviewed by **Internal Affairs Bureau** Sergeants Carlos Flores and Scott Graham, on September 1, 2011, at 1044 hours. He was represented by Green and Shinee Attorney Helen Schwab. The interview was digitally audio recorded. Deputy Duran stated that the report he submitted regarding the incident was truthful and complete.

IAB Note: Deputy Duran's Supplemental Report is included in this case book. See **Exhibit B**.

Deputy Duran stated that upon Deputy [redacted] stopping the suspect's vehicle, he (Deputy Duran) walked to the passenger side door. He said that as he walked towards the suspect's vehicle, he observed a lot of movement from the suspect as he sat in the driver's seat. He said that he became concerned that the suspect was trying to hide some contraband or something else he didn't want them to see. He said that as he reached the passenger side door he saw that the window was up, and the suspect was smoking a cigarette. He said that after approximately 30 seconds he opened the passenger side door in order to hear and see better.

Deputy Duran said he took a position between the door and the door jamb, leaning slightly into the vehicle. He said his left arm was partially inside the suspect's car. Deputy Duran said that by the time he opened the door, the suspect had turned off the vehicle's engine. He said that the suspect avoided eye contact with Deputy [redacted] and was not completely answering the questions Deputy [redacted] was asking him. Deputy Duran said he then heard Deputy [redacted] order the suspect to put out his cigarette.

Deputy Duran said he saw the suspect move towards the center console, as if to put out the cigarette. He said the suspect then suddenly started the vehicle and took hold of his (Deputy Duran's) left wrist. He said the suspect then accelerated the vehicle, causing it to move forward. He said the suspect did this very quickly, and caught him by surprise. Deputy Duran said he tried to pull his arm away but was unable to. He said he took two to three steps forward, and then jumped into the suspect's vehicle. Deputy Duran said he felt he had no other choice but to jump in the car. He said that he feared he would be dragged by the suspect's vehicle, or that the vehicle would collide with parked vehicles, thus possibly crushing him.

Deputy Duran said that when he jumped in the vehicle he landed in the passenger seat, on his knees facing the suspect. He said that the suspect continued depressing the gas pedal, causing the vehicle to continue forward. He said that he pointed his firearm at the suspect and told him to stop, and the suspect immediately grabbed the muzzle of the gun with both hands. He said that a struggle for his weapon then ensued. He said the suspect was pulling on the firearm, attempting to take it from him. Deputy Duran said he remembers holding his gun as hard as he could with his right hand. He said he was not certain, but believes he punched the suspect's face with his left hand.

Deputy Duran said that fearing the suspect was going to take his firearm, and shoot him with it, he fired one round at the suspect. He said he believed he struck the suspect because he heard the suspect say "you shot me." He said that even after firing the round, the suspect did not and would not release his grip on the firearm. Deputy Duran said the suspect also continued depressing the gas pedal, causing the vehicle to continue forward. He said that he pulled the trigger of the weapon several more times, but the firearm would not fire. He said he also became concerned that the vehicle, traveling erratically, would become involved in a "head on" collision with a vehicle traveling southbound.

Deputy Duran said he then used all his "force and body," and began striking the suspect's face with the muzzle of his firearm. He said the suspect still did not release his grip on the gun. Deputy Duran said he struck the suspect approximately three to five times. He said that as they struggled, he felt the suspect's vehicle strike a parked car. He said the vehicle continued and struck another parked vehicle, and then came to a stop.

Deputy Duran said the collision caused him to get thrown forward, onto the passenger side floorboard. He said the suspect leaned into the passenger side, and continued holding on to the muzzle of his firearm. He said that he heard Deputy [redacted] open the driver's side door, and the suspect began fighting both him and Deputy [redacted] He said that due to his position and the position of the suspect, he could not see what Deputy [redacted] was doing. He said he smelled "pepper spray," (Oleoresin Capsicum), but the suspect continued to struggle. Deputy Duran said he then saw the suspect being pulled out of the vehicle by Deputy [redacted] He said he saw the suspect go down to the ground, and lie on his stomach.

Deputy Duran said he then exited the suspect's vehicle and ran around the rear of the vehicle in order to assist Deputy [redacted] He said that as he ran around the rear of the suspect's vehicle, he saw that the suspect was now on his back, fighting Deputy [redacted] He said both the suspect and Deputy [redacted] were exchanging punches. Deputy Duran said he then saw Deputy [redacted] spray the suspect with Oleoresin Capsicum. He said the suspect then turned back on to his stomach, and he (Deputy Duran) approached and put his knee on the suspect's back. Deputy Duran said the suspect resisted their efforts to handcuff him, but they were finally able to handcuff him.

Deputy Duran said he and Deputy [redacted] had initiated emergency radio traffic during the incident, and both had requested LAPD to respond. He said that by the time the LAPD units arrived, the struggle with the suspect was over. He said that the duration of the incident, from the time they stopped the suspect to the time they handcuffed him, was approximately ten minutes.

Deputy Duran said he did not see Deputy [redacted] utilize his baton during the incident. He said that after the incident, Deputy [redacted] informed him that he used his baton on the suspect. Deputy Duran said he also counted the rounds in his weapon in order to be certain that he had fired a shot. He said he then also asked Deputy Plasencia #[redacted] to count the rounds in his firearm. He said that as they inspected the gun, an empty casing was found.

> **IAB Note:** Deputy Plasencia documented his actions on a Supplemental Report. See **Exhibit C, Page 13**.

Deputy Duran said that his body was "sore" after the incident, and he sustained some scratches on his left arm. However, he was not treated for any injuries.

For his complete statements refer to Deputy Duran's interview transcript.

Involved Deputy [redacted] was interviewed by **Internal Affairs Bureau** Sergeants Carlos Flores and Scott Graham, on September 1, 2011, at 1232 hours. He was represented by Green and Shinee Attorney Helen Schwab. The interview was digitally audio recorded. Deputy [redacted] stated that the report he submitted regarding the incident was an accurate account of what transpired. However he acknowledged that it lacked detail.

IAB Note: Deputy [redacted] Supplemental Report is included in this case book. See **Exhibit B**.

Deputy [redacted] stated that he and Deputy Duran were traveling in tandem, to the Chatsworth Station. He said that while traveling on Nordhoff Street, he observed the suspect's vehicle. Deputy [redacted] stated that he stopped the suspect's vehicle on Woodley Avenue due to no front plates or turn signal. He said that upon stopping the vehicle, he approached the driver's side of the vehicle and made contact with the suspect. He said he saw Deputy Duran approach the vehicle's passenger side.

Deputy [redacted] said that as he approached the vehicle, he noticed "bulky items" in the rear seat portion of the car. He said that the "bulky items' caught his attention due to the fact that contraband or weapons could be hidden within the items. Deputy [redacted] said he began talking to the suspect, who appeared to be very nervous. He said the suspect also began moving his hands within the interior of the car, which also caused him (Deputy [redacted] some concern. Deputy [redacted] said that he first directed the suspect to turn off the vehicle's engine, and the suspect complied. Deputy [redacted] said he then twice asked the suspect if he had anything illegal inside the vehicle, and the suspect would not answer. Deputy [redacted] said that based on the suspect's demeanor, he believed that he was in possession of something illegal.

Deputy [redacted] said he asked the suspect for his driver's license, but the suspect again did not answer. He said that Deputy Duran then opened the passenger side door of the suspect's vehicle. He said, however, that he was unable to see Deputy Duran's exact position in relation to the vehicle. Deputy [redacted] said the suspect was smoking a cigarette and he directed him to put it out. He said that as the suspect put out the cigarette, he (Deputy [redacted]) opened the driver's side door, and positioned himself between the door and the door jam. He said his intent was to direct the suspect to exit the vehicle so that he could positively identify him.

Deputy [redacted] said the suspect then suddenly and very quickly restarted the vehicle's engine, and shifted the vehicle to "drive." He said the suspect then grabbed Deputy Duran's left arm and accelerated the vehicle. He said that he immediately observed that Deputy Duran had been pulled into the passenger seat of the suspect's vehicle. He said he then initiated emergency radio traffic, entered his patrol vehicle, and followed

the suspect. Deputy [redacted] said he did not hear a shot, nor did he see any muzzle flash. He said he was not aware that Deputy Duran fired his weapon until after the incident was over.

Deputy [redacted] said that as he followed the suspect's vehicle northbound on Woodley Avenue, he could see that the suspect and Deputy Duran were involved in a struggle. Deputy [redacted] said the suspect's vehicle was traveling at approximately 40 miles an hour, in an "uncontrollable" fashion. He said that based on his observations, he believed that the suspect was not steering the vehicle as it continued forward. Deputy [redacted] stated that as the suspect's vehicle continued north, it collided with a white truck parked against the east curb. He said the suspect's vehicle continued north until it collided with another parked car. Deputy [redacted] said the suspect's vehicle did not appear to brake prior to hitting the second parked car. He said that the suspect's vehicle then came to a stop.

Deputy [redacted] said that he did not broadcast that he was following the suspect's vehicle because his initial emergency broadcast had not been repeated by the SCC dispatcher. He said that as the SCC dispatcher was broadcasting his initial information, he focused on the suspect's vehicle, and what was occurring.

Deputy [redacted] said that when the suspect's vehicle stopped, he approached and opened the driver's side door. He said he saw the suspect and Deputy Duran still engaged in a struggle. He said he saw the suspect punching at Deputy Duran, as Deputy Duran defended himself. Deputy [redacted] said he was not aware that the suspect and Deputy Duran had been struggling for control of Deputy Duran's firearm.

Deputy [redacted] said the suspect then began punching at him as well. He said he then sprayed the suspect with Oleoresin Capsicum, but it did not have any effect, as he continued punching. Deputy [redacted] said he then began punching the suspect in the face, utilizing both fists. He said that his punches were not effective either, as the suspect continued fighting with them.

Deputy [redacted] stated that he retrieved his expendable baton, and struck the suspect several times in the upper torso. He said that he struck the suspect by holding the baton with his right hand, and swinging from his left shoulder towards his right hip. He said he struck the suspect approximately five to seven times. He said the force was effective, as the suspect stopped punching.

IAB Note: Deputy [redacted] baton is an expandable metal baton, approximately 10 inches long in the closed position, and 26 inches in the open position. A photograph of Deputy [redacted] baton is included in this case book. See **Exhibit F, Page 22**. Deputy [redacted] stated that when he struck the suspect, he (suspect) was moving his body

towards him and Deputy Duran. He said it was quite possible that the suspect was facing him during some of the baton strikes; thus causing the injuries to the suspect's right shoulder blade area. Deputy [redacted] was adamant that he utilized his baton only while the suspect was inside the vehicle.

Deputy [redacted] said that when the suspect stopped punching, he (Deputy [redacted] collapsed his baton and put it back in the holder. He said he then pulled the suspect out of the car by taking hold of the suspect's left arm with both hands. He said that due to the suspect's size, and the position he (suspect) was in (driver's seat), it took a lot of effort to pull him out. He said that he then pushed the suspect onto the ground, on his stomach. He said he then prepared to handcuff the suspect, but the suspect rolled over onto his back. He said the suspect then again began punching at him. Deputy [redacted] said he then punched the suspect several times in the face. He said that he was then able to turn the suspect back over onto his stomach. He said that Deputy Duran then came to assist and placed his knee on the suspect's back.

Deputy [redacted] said they then tried to handcuff the suspect, but he resisted their efforts by tightening his arms and clenching his fists. He said he then sprayed the suspect again with his Oleoresin Capsicum. He said that they were then able to handcuff the suspect. He said that by the time the first LAPD Unit arrived, the struggle with the suspect was over. He said the entire incident lasted approximately six minutes.

Deputy [redacted] said he sustained lacerations to the knuckle area of his right hand. He also sustained pain and swelling to his right wrist. He said he was transported to, and treated at, Northridge Hospital Medical Center in Northridge.

For his complete statements refer to Deputy [redacted] interview transcript.

CIVILIAN WITNESSES

The area encompassing the crime scene (9100/9200 Block of Woodley Avenue) was canvassed for any potential witnesses. The area was canvassed by field deputies from the Transit Services Bureau, as well as Transit Services Bureau detectives.

The vast majority of the people contacted stated that they were asleep at the time of the incident, and did not hear or see anything. Some stated they heard a loud noise, but did not actually witness the shooting or had any knowledge of the circumstances surrounding the incident. Four individuals stated that they witnessed a portion of the incident, after the suspect's vehicle collided with a parked vehicle and came to a stop. The names of the residents contacted, and a summary of their interviews, are included on Supplemental Reports.

IAB Note: Supplemental Reports detailing potential witnesses contacted are

included in this report. See **Exhibit C, Pages 1-8, and 37-40**.

[redacted] MH/41

Witness [redacted] is a 41-year-old male who resides at [redacted] He was interviewed by Detective Fank Richter # [redacted] on the morning of the incident. The interview was conducted at Witness [redacted] residence and was partially digitally audio recorded.

IAB Note: Hereafter, Witness [redacted] will be referred to as Witness [redacted]

Witness [redacted] stated that at approximately 0200 hours, he heard what sounded like two crashes. He said he looked outside through his bedroom window and saw the suspect's vehicle, which appeared to have smoke emitting from it. He said he saw one deputy standing on the passenger side of the vehicle, and another deputy on the driver's side. He said the deputy on the driver's side was striking the suspect, who was sitting inside the car. He said it appeared that the suspect was leaning over to the passenger side, as if reaching for something.

Witness [redacted] stated that his [redacted] Witness [redacted] told him that the deputy was striking the suspect too much, and that she was going to go outside. Witness [redacted] said that when he looked out again, the suspect was outside the car, on the ground. He said it appeared that the deputy was still striking him, but he could not see the suspect, because he was on the ground on the other side of the vehicle.

IAB Note: Detective Richter summarized his interview with Witness [redacted] in a Supplemental Report. A copy of that report is included in this case book. See **Exhibit C, Page 39**. A Compact Disc, containing the recording of that interview is also included. See **Exhibit K**.

Witness [redacted] was interviewed by **Internal Affairs Bureau** Sergeants Carlos Flores and Scott Graham on August 30, 2011, at approximately 1138 hours. The interview was conducted at Witness [redacted] residence, and was digitally audio recorded. Witness [redacted] gave the same account of the incident that he gave Detective Richter, but he was asked to be more detailed in his description.

Witness [redacted] said he and his [redacted] were awake in their home when he heard what sounded like two crashing sounds. He said he then walked to his bedroom window and looked outside. He said he saw the suspect sitting inside his vehicle and a deputy standing on each side of the car. He said that both doors of the suspect's vehicle were opened. Witness [redacted] said he could not describe what the suspect or deputies looked like. He said he could hear multiple people yelling, but could not clearly hear

what was being said. He said his bedroom window was closed.

Witness [redacted] said he saw the deputy on the driver's side striking the suspect with a baton. He said it appeared that the suspect was leaning towards the front passenger side of the vehicle. He said it appeared to him that the suspect was either reaching for something, or getting away from the deputy. Witness [redacted] said he did not see the suspect strike the deputy. Witness [redacted] said that from his vantage point it appeared that the deputy was striking the suspect in the legs or lower abdomen. He said the deputy was swinging the baton in an overhead type fashion, utilizing his right hand. He said he saw the deputy hit the suspect approximately five times.

Witness [redacted] said he then became involved in a conversation with his [redacted] Witness [redacted] which took his attention away from the deputies and suspect. He said that when he looked back outside, the suspect was no longer in the car. He said he does not know how the suspect had exited the vehicle. Witness [redacted] said he believes the suspect was lying on the ground, and he saw one deputy standing over him. He said he could only see the deputy's upper body, due to the suspect's vehicle obstructing his view. Witness [redacted] said he saw the deputy swing his baton two more times, but is unsure if he actually struck the suspect. He said he could no longer see the deputy that had been on the passenger side.

Witness [redacted] said that he then saw other officers arrive, but the physical confrontation was already over by that time. He said he could then hear the suspect shouting that he could not breathe. Witness [redacted] said he remembers thinking that if the suspect could not breath, he would not be able to shout so loud. Witness [redacted] said the entire incident lasted no more than five minutes.

IAB Note: On the morning of the incident a photograph was taken from Witness [redacted] bedroom window's view. After his interview with Internal Affairs Bureau sergeants an additional photograph was taken. The photographs are included in this case book. See **Exhibit F, Pages 13,14**.

[redacted] **FO/41**

Witness [redacted] is a 41-year-old female who resides at [redacted] She is the [redacted] of Witness [redacted] She was interviewed by Detective Frank Richter # [redacted] on the morning of the incident. The interview was conducted at Witness [redacted] residence and was partially digitally audio recorded.

IAB Note: Hereafter, Witness [redacted] will be referred to as Witness [redacted]

Witness [redacted] stated that at exactly 0200 hours she heard a loud crash outside. She said she looked out her bedroom window and saw a deputy on the roadway. She said the deputy was close to a vehicle and appeared to be striking someone who was seated inside. She said she became concerned about the person inside the vehicle and she walked outside to take a closer look.

Witness [redacted] said she stood in front of her residence on the roadway. She said she saw that the suspect was now lying on the ground, facing her. She said the suspect was handcuffed, and shouting that he could not breathe, and was having a seizure. She said she saw the deputy strike the suspect one time with his baton, as the suspect lay on the ground. Witness [redacted] said she began to "shake" and felt bad for the suspect. She then went back inside her home. Witness [redacted] said that additional officers arrived after she went back inside her home.

> **IAB Note:** Detective Richter summarized his interview with Witness [redacted] in a Supplemental Report. A copy of that report is included in this case book. See **Exhibit C, Page 40**. A Compact Disc, containing the recording of that interview is also included. See **Exhibit K**.

Witness [redacted] was interviewed by **Internal Affairs Bureau** Sergeants Carlos Flores and Scott Graham on August 30, 2011, at approximately 1209 hours. The interview was conducted at Witness [redacted] residence, and was digitally audio recorded. Witness [redacted] gave the same account of the incident that she gave Detective Richter, but was asked to be more detailed in her description.

> **IAB Note:** Witness [redacted] was interviewed shortly after her [redacted] Witness [redacted] had been interviewed. Prior to her interview Witness [redacted] advised the Internal Affairs Investigators that he has had two or three negative contacts with the police in the past. He said that due to those experiences, his wife has a dislike for police officers.

Witness [redacted] said that at approximately 0200 she heard a loud crash. She said she looked outside and saw the suspect sitting in his vehicle, and a deputy standing next to him. She said that the deputy was striking the suspect with a baton. She said she believes the deputy was swinging the baton with his left hand, but could not remember in what fashion he was swinging it. She said she did not see another deputy at that time.

Witness [redacted] stated that she saw the deputy strike the suspect approximately six times. She said it appeared that the deputy was striking the suspect in the upper torso. Witness [redacted] said she then went to her front door and exited her home. She said she went outside in the hopes of stopping the deputy's force against the suspect.

Witness [redacted] said she walked to the front of her home and stood in front of her vehicle which was parked against the east curb. She said that she did not look over to see what was occurring as she walked to her vehicle.

Witness [redacted] said that when she again looked towards the deputy and suspect, she saw the deputy take the suspect out of the car, and put him on the ground. She said she then saw the deputy continue hitting the suspect. When asked how the deputy took the suspect out of the car, she stated that she could not remember if the deputy grabbed the suspect, or the suspect threw himself down on the ground. Witness [redacted] then changed her statement and stated that when she arrived on the street the suspect was already out of the vehicle, lying on the ground.

Witness [redacted] said that she saw the deputy strike the suspect with the baton, as the suspect lay on the ground. She said she does not remember if the deputy was holding the baton with one hand or two. She also stated that the deputy was standing over the suspect, striking him in the back. She said she saw the suspect moving his body from side to side, as he lay on the ground. Witness [redacted] said she did not see any other deputy at that time. She said she does not recall how many times the deputy struck the suspect. She said that it appeared the deputy was trying to handcuff the suspect, but she did not know if the suspect was eventually handcuffed. She said that from her vantage point she could not see the suspect's feet.

IAB Note: During her interview with Detective Richter, Witness [redacted] said she saw that the suspect was handcuffed when the deputy struck him. During her interview with Internal Affairs Investigators, she stated that she did not know if the suspect was handcuffed, and never saw the handcuffs on the suspect. She additionally stated that it appeared that the deputy was attempting to handcuff the suspect. Witness [redacted] stated that she could not remember several aspects of the incident.

Witness [redacted] said that she became frightened, and then walked back inside her home. She said she last saw the suspect, lying on the street, and the deputy standing over him. She said the deputy was no longer striking the suspect. She said she heard the suspect shouting that he could not breathe, and was having a seizure. Witness [redacted] stated, "I just felt bad for the bad guy, I did not know what was going on."

Witness [redacted] stated that the lighting on the street was good, but she could not describe what the deputies or suspect looked like. She stated that the suspect appeared to be a big guy, and the deputies were wearing black or blue uniforms. She stated that, to the best of her recollection, she saw the deputy strike the suspect six times while he was inside the vehicle, and three to four times outside the vehicle.

IAB Note: On the morning of the incident, a photograph was taken from the front of Witness [redacted] vehicle which was parked in front of her residence. The photograph was taken facing south towards the crime scene. During her interview with Internal Affairs Bureau Investigators, Witness [redacted] confirmed that the photograph depicted her vantage point when she stood outside and saw the incident. The photograph is included in this case book. See **Exhibits F, Page 15, and I.**

[redacted] MH/66

Witness [redacted] is a 66-year-old male who resides at [redacted] He was interviewed by TSB Detective Michael Shaw on the morning of the incident. The interview was conducted at Witness [redacted] residence, and was digitally audio recorded.

IAB Note: Hereafter, Witness [redacted] will be referred to as Witness [redacted]

Witness [redacted] stated that he was asleep when he heard a loud noise. He said he looked out his bedroom window and saw a deputy approach a vehicle and tell the suspect, "get out of there." He said he saw the deputy grab the suspect and hit the suspect with a baton. He said it was dark and he could not see how the deputy was grabbing the suspect or what part of the suspect's body was getting hit. He said he saw the deputy swinging the baton, but the deputy was standing by the vehicle's door, thus partially blocking his view. He said he then heard the suspect say, "I'm coming out." Witness [redacted] said he then woke up his [redacted] Witness [redacted]

Witness [redacted] said the deputy struck the suspect approximately 40 times with the baton. He said that afterwards, the suspect was "just laying on the ground." Witness [redacted] said he could not see when the deputy handcuffed the suspect, and reiterated that it was "too dark." Witness [redacted] said he saw only one deputy. He said that approximately five minutes after he started watching the incident, additional officers and paramedics arrived. He said that the responding police cars and fire truck blocked his view and he could no longer see what was happening. Witness [redacted] said he witnessed more of the incident than his [redacted] and it took her about 10 minutes to wake up and look outside.

IAB Note: Detective Shaw summarized his interview with Witness [redacted] in a Supplemental Report. A copy of that report is included in this case book. See **Exhibit C, Page 37**. A Compact Disc, containing the recording of that interview is also included. See **Exhibit K**.

Witness [redacted] was interviewed by **Internal Affairs Bureau** Sergeants Carlos Flores and Scott Graham on August 30, 2011, at 1104 hours. The interview was conducted at Witness [redacted] residence, and was digitally audio recorded.

IAB Note: Prior to the interview with Witness [redacted] his [redacted] MH/39, advised Sergeants Flores and Graham that his [redacted] has been diagnosed with "third level" dementia. **Dementia** is the gradual deterioration of mental functioning, such as concentration, memory, and judgment, which affects a person's ability to perform daily activities. Source: (**www.alzheimersreadingroom.com**)

Witness [redacted] stated that his [redacted] woke him up, and told him that the police were beating someone up. He said he looked out his window, and saw a deputy beating a suspect. He said he was not sure if the suspect was inside the vehicle or outside. He said he believed the deputies "yanked" him out of the car, but he did not see when that occurred. When asked if the deputies were using a baton, Witness [redacted] stated, "That's what it looked like, it was dark and I was half asleep." He later stated, "That's what my [redacted] said."

Witness [redacted] stated that he could not see if the deputies were actually striking the suspect because it was too dark. When asked if he could describe the deputies' motions (punching, swinging), Witness [redacted] said it appeared that they were trying to grab the suspect. When asked if the suspect was struggling, Witness [redacted] stated, "I could not tell, it was too far." Witness [redacted] said the struggle lasted approximately five minutes or less.

Witness [redacted] said his window was closed. He said he could not remember if he heard the deputies or suspect say anything. He said he did not remember if additional officers or ambulance arrived. Witness [redacted] stated that he is almost "totally blind" in one eye due to a detached retina that he had operated on. He said he uses glasses, but did not have his glasses on at the time of the incident. He said he was also "half asleep."

IAB Note: On the morning of the incident a photograph was taken from Witness [redacted] bedroom window's view. See **Exhibit F, Page 6.**

[redacted] FH/66

Witness [redacted] is a 66-year-old female who resides at [redacted] She is Witness [redacted] but lives in the same residence. She was interviewed by TSB Detective Michael Shaw on the morning of the incident. The interview was conducted at Witness [redacted] residence, and was digitally audio recorded.

IAB Note: When Detective Shaw initially went to Witness [redacted] home, Witness [redacted] answered the door. Detective Shaw asked her if anybody in the home had seen the incident, and she stated that her [redacted] had witnessed it. She did not tell the detective that she had witnessed the incident. Hereafter, Witness [redacted] will be referred to as Witness [redacted]

Witness [redacted] stated that she was asleep when she was awakened by Witness [redacted] She said she then went to his room, and looked out the window. She said that she saw the suspect sitting on the street, and the deputy was striking him with a baton. She said the deputy "poked" the suspect's upper body approximately fifteen times with the baton. Detective Shaw asked her if she saw the deputy strike the suspect's head, and she stated, "I would say, but it was dark."

Witness [redacted] said she first saw the suspect sitting on the ground as he got struck. She said she heard the suspect say, "Please, please, I'll tell you what you want." She said the suspect then laid on the ground, on his back. She said she then heard the deputy say, "Don't lie to me." Witness [redacted] said she saw two deputies, but only one was "beating" the suspect. She said the "beating" took approximately 10 to 15 minutes. She said her view was never blocked by the arriving officers or paramedics.

IAB Note: Detective Shaw summarized his interview with Witness [redacted] in a Supplemental Report. A copy of that report is included in this case book. See **Exhibit C, Page 38**. A Compact Disc, containing the recording of that interview is also included. See **Exhibit H**.

Witness [redacted] was interviewed by **Internal Affairs Bureau** Sergeants Carlos Flores and Scott Graham on August 30, 2011, at approximately 1115 hours. The interview was conducted at Witness [redacted] residence, and was digitally audio recorded.

IAB Note: When the IAB sergeants initially contacted Witness [redacted] she appeared agitated, and was reluctant to speak to them. She advised them that she was just leaving and did not have any time to give any statement. Approximately 15 minutes later she exited her home and stated that though she needed to leave she would grant them a quick interview.

Witness [redacted] said she was asleep and was awakened by her [redacted] who called out to her. She said her [redacted] told her, "The police are beating the shit out of a man." She said she went to her [redacted] room, and looked out the window. She said she saw a man sitting handcuffed on the street, and a deputy hitting him with a baton. She said she was not certain it was a baton, but it appeared the deputy had something in his hand. She said whatever was in the deputy's hand appeared to be a foot and a

half long. Witness [redacted] later stated that she was not certain that the suspect was handcuffed, and never actually saw the handcuffs. She said it appeared that the suspect's hands were behind his back, and he was moving back and forth.

Witness [redacted] said it appeared the deputy was striking the suspect in the upper body. She described that the deputy was swinging the baton in an over the head manner and in a poking manner. She said she saw two deputies, but only one was using force, while the other stood and watched. Witness [redacted] said the incident lasted approximately 10-15 minutes. She said that the window was open and she could hear the suspect saying, "Please, please, I'll tell you whatever you want to know." She said she also heard the deputy say, "Don't lie to me."

Witness [redacted] said she could not describe what the deputies looked like. She said she does not remember what the lighting was like, but it was bright enough for her to see. She said that 10 to 15 other officers arrived, as well as an ambulance. She said her view was never obstructed.

SWORN WITNESSES

During the incident, both Deputy Duran and Deputy [redacted] requested, via radio, that officers from the Los Angeles Police Department (LAPD) respond. That was done due to the fact that both deputies were aware that they were in LAPD's jurisdiction, and knew that their response would be quicker than Sheriff's Department personnel. Internal Affairs Bureau Sergeant Carlos Flores contacted and interviewed two of the officers, one of which (Witness Sergeant [redacted]) was the first to arrive on scene.

[redacted] #[redacted] Sergeant, Los Angeles Police Department

Witness [redacted] is a sergeant with the Los Angeles Police Department, and is assigned to the Hollywood Division. On July 23, 2011, Witness [redacted] was assigned to the Devonshire Division. Witness [redacted] was telephonically interviewed by Internal Affairs Bureau Sergeant Carlos Flores on October 4, 2011, at 0843 hours. The interview was digitally audio recorded.

Witness [redacted] stated that on July 23, 2011, he was working a regular patrol unit in the Devonshire Division area. He said that an "officer help" call was broadcasted on their radio, stating that deputy sheriffs were requesting assistance. Witness [redacted] stated that he responded, and arrived via traveling north on Woodley Avenue. He said that upon his arrival he was informed by an LAPD sergeant ([redacted]), who had already arrived, that the deputies might have been involved in a shooting. He said he was directed to block traffic at the intersection of Woodley Avenue and Nordhoff Street.

Witness [redacted] stated that he did not see the deputies involved, nor did he see the

suspect. He said he did observe several vehicles parked on the street that appeared to have been involved in a traffic collision.

[redacted] #[redacted] Sergeant, Los Angeles Police Department

Witness [redacted] is a sergeant with the Los Angeles Police Department, and is assigned to the Devonshire Division. He was interviewed by Internal Affairs Bureau Sergeant Carlos Flores on October 10, 2011, at 1703 hours. The interview was conducted at the Devonshire Division, and was digitally audio recorded. Witness [redacted] was represented by Sergeant [redacted] #[redacted] also assigned to the Devonshire Division.

IAB Note: Witness [redacted] is currently on leave due to a work related injury. He responded to Devonshire Division in order to complete the interview with Internal Affairs Bureau Sergeant Carlos Flores.

Witness [redacted] stated that on July 23, 2011, he was working a field supervisor patrol unit in the Devonshire Division area. He said that an "officer help" call was broadcasted on their radio, stating that deputy sheriffs were in need of assistance. Witness [redacted] stated that he responded, and arrived via traveling south on Woodley Avenue. Witness [redacted] stated that he was the first unit to arrive on scene.

Witness [redacted] stated that upon his arrival, he saw a vehicle which appeared to have collided with a parked vehicle. He said he also observed a black and white patrol unit parked behind the vehicle that had collided. He said he saw two deputy sheriffs holding a suspect down on the ground, in front of the patrol unit. He said it appeared that the deputies were in the process of handcuffing the suspect.

Witness [redacted] stated that he exited his patrol vehicle and began walking towards the deputies. He said that by the time he approached the deputies, the suspect had already been handcuffed. Witness [redacted] stated that the deputies appeared to have been involved in a struggle with the suspect, as they appeared "winded." He said he told the deputies to stand on the sidewalk, and "take a deep breath." Witness [redacted] stated that he then asked the deputies if they were injured, at which point one deputy told him that he had discharged his weapon.

Witness [redacted] stated that as other LAPD units began to arrive, he directed his officers two cordon off the area, and block both the south and north traffic. He said he also directed an officer to watch the suspect, pending the arrival of paramedics. Witness [redacted] said he asked the deputy where he had discharged his weapon, and in what direction. He said he advised the deputy that he needed that information in order to ascertain if any of the area residents had been injured. Witness [redacted] said that the deputy told him that the weapon had been discharged from within the suspect's vehicle.

He said he then observed that the suspect's vehicle had a bullet hole on the roof.

Witness [redacted] stated that he did not ask the deputies any additional questions, nor did they make any statements about what had occurred. He said that both deputies' demeanor was very professional. Witness [redacted] stated that he did not witness any force used, and was not aware of what type of force had been used on the suspect. He said that when he arrived he did not see a baton or a firearm in either of the deputies' hands.

Witness [redacted] stated that within approximately five minutes of his arrival, paramedics arrived and treated the suspect. He said that throughout his time at the scene, the suspect was not hostile towards them, and appeared lethargic. He said it appeared that the suspect was bleeding from an injury to his head.

Witness [redacted] stated that he remained at the scene until sheriff's units began to arrive. He said that when he observed a sheriff's sergeant arrive on scene, he and his officers left the scene and continued their duties.

SUSPECT'S STATEMENTS

Suspect Terpstra was interviewed by Transit Services Bureau Detectives Kyle Ynclan and Michael Shaw, on July 23, 2011, at 1150 hours. The interview was conducted at the East Los Angeles Sheriff's Station, and was digitally audio recorded. Suspect Terpstra agreed to speak with the detectives without an attorney present.

Suspect Terpstra stated that on the indicated date and time he was driving his vehicle in North Hills, looking for a hotel to spend the night. He said he was then stopped by two deputy sheriffs. He said that one of the deputies contacted him on the driver's side, and the other deputy opened the passenger side door. Suspect Terpstra said that the deputy on the driver's side told him to turn off the car. He stated that in order to turn off the vehicle, he had to press the brake and turn off the ignition. He said that his foot slipped and he stepped on the gas pedal, causing the car to lung forward.

> **IAB Note:** During his interview Suspect Terpstra gave several different accounts as to how his vehicle lunged forward and subsequently traveled north on Woodley Avenue. When challenged by the detectives to explain the contradictions in his explanations, the suspect became verbally hostile.

Suspect Terpstra stated that when the vehicle lunged forward he apologized to the deputies, but the deputy on the passenger side jumped in the car and began hitting him. He said the deputy began hitting his face with his fists. Suspect Terpstra said he then accidentally pressed the gas pedal, causing the vehicle to continue going forward.

Suspect Terpstra said that as the vehicle moved forward he heard a gunshot, and he then saw the deputy pointing a gun at him. He said he could not understand why the deputy drew his weapon, but fearing he was going to be shot he grabbed the deputy's gun with both hands.

Suspect Terpstra said that as the vehicle continued traveling, he kept his grip on the deputy's gun. He said that the deputy continuously hit his face, utilizing his fist. He said his vehicle struck a parked car, and then struck another parked car. He said his vehicle then came to a stop. He said when the vehicle stopped, the deputy continued hitting him with his fists, and then sprayed him with "Pepper spray." He said the other deputy then opened his driver's side door and began hitting him with his baton. He said he unfastened his seatbelt and fell to the ground on his stomach.

Suspect Terpstra said the deputies continued hitting him in the back of the head, but was not certain with what. He said he felt he got hit with fists and baton, and sprayed again with "Pepper spray." He said the deputies finally handcuffed him, but then stepped on his head and sprayed him again with "Pepper spray." Suspect Terpstra admitted to using Methamphetamine within the 24 hours prior to his arrest.

IAB Note: Toxicology screening tests indicate that Suspect Terpstra had Amphetamines and Marijuana in his system at the time of the incident. See **Exhibit H**. Transit Services Bureau detectives summarized their interview with Suspect Terpstra in their Supplemental Report. See **Exhibit C, Page 22**. A Compact Disc, containing the audio recording of Suspect Terpstra's interview is also included in this case book. See **Exhibit K**.

On August 19, 2011, at 1000 hours, Internal Affairs Bureau Sergeants Carlos Flores and Scott Graham responded to the Men's Central Jail, in order to conduct a follow up interview with Suspect Terpstra. Suspect Terpstra advised Sergeant Flores that on the advise of his attorney, he would not give any statement. Suspect Terpstra was advised that the purpose of the interview was solely administrative, but he again refused to answer questions. Suspect Terpstra's refusal was digitally audio recorded.